

PAGE 20

Docket Number (Optional)

PTC/SB/25 (08-03)
Approved for use through 07/31/2006, DMB 0854-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1985, no persons are required to respond to a collection of information unless it displays a valid QMB control number

TERMINAL DISCLAIMER TO BVIATE A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDIN SECOND APPLICATION

SLA 0822

in re Application of: Wei-Wei Zhuang et al.

Application No.: 10/072,225 Filed: February 7, 2002

For: Device and method for reversible resistance change induced by electric pulses in non-crystalline percusidte unipolar programmable

The owner^a, Sharp toboratories of America, of <u>100</u> percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 10/256.356 filed on September 2, 2002, of any patent on the pending second application. The owner hereby agrees that any patent so granted on the Instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for fallure to pay a maintenance fee, is held unenforceable, is found invalid by e court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

	•	
1.		For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.
		hom stromates lie that bus out one enhaltered out to riosed when stremelets lie test pretroit where

information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may leopardize the falidity of the application or any patent issued thereon.

The undersigned is an attorney or agent of record.

Check either box 1 or 2 below, if appropriate.

David C. Ripma

Typed or printed name

360-834-8754

Telephone Number

Terminal disclaimer fee under 37 CFR 1.20(d) is included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTC/SBS6 may be used for making this statement. See MPEP § 324.

02/03/2004 ANIBE1

01 FC:1814

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process), entire publication. Confidentiality is governed by 38 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will very depending upon the infratiousl case. Any comments on the amount of time you require to complete this form end/or supgestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Peternt and Tradements Office; U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 2/2313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS, SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PAGE 20/21 * RCVD AT 1/9/2004 4:34:08 PM (Eastern Standard Time) * SVR:USPTO-EFXRF-1/8 * DNIS:8729306 * CSID:13608178505 * DURATION (mm-ss):06-38